

SEP 12 2005

N. Kenneth Burraston

**KIRTON &  
McCONKIE**

TELEPHONE (801) 328-3600  
FACSIMILE (801) 321-4893

A PROFESSIONAL CORPORATION  
1800 EAGLE GATE TOWER  
60 EAST SOUTH TEMPLE  
P.O. BOX 45120  
SALT LAKE CITY, UTAH 84145-0120

**FACSIMILE TRANSMISSION SHEET**

DATE: September 12, 2005

BILLING #: 12439.29

TO: Commissioner for Patents

FAX #: (571) 273-8300

FROM: N. Kenneth Burraston

6 NUMBER OF PAGES INCLUDING COVER SHEET

COMMENTS: Transmitted herewith is an Information Disclosure Statement and Credit Card  
Payment Form for:

App. No.: 10/690,170

Confirmation No.: 3947

Applicant: Khandros

Filed: October 21, 2003

TC/A.U.: 2829

Examiner: Tung X. Nguyen

Docket No.: P197-US

**IF YOU DO NOT RECEIVE ALL OF THE PAGES,  
PLEASE CALL OUR OFFICE AT (801) 328-3600 AS SOON AS POSSIBLE.**

This is a confidential communication and is not to be delivered or read by any person other than the addressee.  
Facsimile transmission is not intended to waive the attorney-client privilege or any other privilege.  
If this transmission is received by anyone other than the addressee, the recipient is requested to call Kirton & McConkie  
collect at (801) 328-3600, and to immediately return this document to Kirton & McConkie by United States mail.  
Kirton & McConkie guarantees return postage.

**BEST AVAILABLE COPY**

**CERTIFICATE OF TRANSMISSION/MAILING**

I hereby certify that this correspondence is being facsimile transmitted to the USPTO at (571) 273-8300 or deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on September 12, 2005.

Erin Cowles

Ref. No.: 12439-0029

**RECEIVED  
CENTRAL FAX CENTER**

**SEP 12 2005**

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

Appl. No. : 10/690,170  
Applicant : Khandros  
Filed : October 21, 2003  
TC/A.U. : 2829  
Examiner : Tung X. Nguyen

Confirmation No. 3947

Docket No. : PI97-US

Mail Stop Amendment  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

09/14/2005 MBINAS 00000052 10690170  
01 FC:1806 180.00 OP

**INFORMATION DISCLOSURE STATEMENT**

To Whom It May Concern:

Listed on an attached Form PTO/SB/08A is information known to applicant(s). Applicants ask that the attached Form PTO/SB/08A be initialed and returned in accordance with MPEP §609. This statement is not intended to represent that a search has been made or that the information cited in the statement is, or is considered to be, material to patentability as defined in §1.56.

**COMMONLY OWNED, RELATED U.S. PATENTS AND APPLICATIONS**

Applicants note that citation numbers 1 and 2 in the attached listing are U.S. patents or applications that are commonly owned with the above-identified patent application and may contain subject matter that is related to the subject matter of the above-identified patent application. The Examiner's attention is therefore directed to the prosecution history of the foregoing related U.S. patent(s) and patent application(s) and prior art cited in these patent(s) and patent application(s); Applicants assume the Examiner has access to all of the prosecution history, including the cited prior art, of these patents(s) and patent application(s), but Applicants will provide copies of all or any part of the prosecution history of or prior art from any of these patent(s) or patent application(s) upon request.

Appl. no. 10/690,170

IDS dated September 12, 2005

**COPIES NOT PROVIDED**

A copy of citation numbers 1 is not provided in accordance with the Pre-OG Notice By Deputy Commissioner Stephen G. Kunin dated July 11, 2003 waiving the requirement to file copies of US patent publications in applications filed after June 30, 2003. A copy of citation number 2 is not provided in accordance with the notice signed by Deputy Commissioner for Patent Examination Policy on September 21, 2004 waiving the requirement to file copies of pending US application that are stored in the USPTO's image file wrapper system.

- ☐ This statement qualifies under 37 C.F.R. §1.97, subsection (b) because (check all that apply):
- ☐ It is being filed within 3 months of the application filing date (other than the filing date of a continued prosecution application under §1.53(d)); or
  - ☐ It is being filed within 3 months of entry of a national stage; or
  - ☐ It is being filed before the mail date of the first Office Action on the merits; or
  - ☐ It is being filed before the mail date of the first Office Action after the filing of a request for continued examination under §1.114.
- ☒ 37 C.F.R. §1.97(c). If this statement is being filed three months after the filing date of a national application or entry of the national stage in an international application and the mailing date of a first Office action on the merits but before the mailing date of the earlier of a final office action, a notice of allowance, or an action that otherwise closes prosecution in the application, then:
- ☐ a statement as specified in §1.97(e) is provided below; or
  - ☒ a fee of \$180.00 as set forth in §1.17(p) is authorized below, enclosed, or included with the payment of other papers filed together with this statement.
- ☐ 37 C.F.R. §1.97(d). If this statement is being filed after the mailing date of the earlier of a final office action under §1.113, a notice of allowance under §1.311, or an action that otherwise closes prosecution in the application, but before payment of the issue fee, then:
- a statement as specified in §1.97(e) is provided below; and
  - a fee of \$180.00 as set forth in §1.17(p) is authorized below, enclosed, or included with the payment of other papers filed together with this statement.

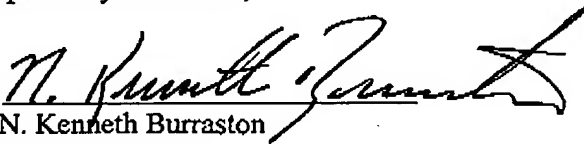
Appl. no. 10/690,170  
IDS dated September 12, 2005

*Fee:*

- ☐ No fee is due.
- ☐ A check that includes \$\_\_\_\_\_ for the above-identified fee(s) is enclosed.
- ☒ A credit card payment form providing \$180.00 for the above-identified fee(s) is enclosed.
- ☐ This statement is filed as one part of a multi-part submission. The fee for the complete submission was included in an electronically filed submission on \_\_. Applicants request the foregoing fee be accepted for this statement. (See OG Notice dated 17 September 2002.)

Respectfully submitted,

Date: September 12, 2005

By   
N. Kenneth Burraston  
Reg. No. 39,923

Kirton & McConkie  
1800 Eagle Gate Tower  
60 East South Temple  
P.O. Box 45120  
Salt Lake City, Utah 84111-1004  
Telephone: (801) 323-5934  
Fax: (801) 321-4893

Appl. no. 10/690,170  
IDS dated September 12, 2005

Modified Form PTO/SB/08A

Substitute for form 1449A/PTO  <b>INFORMATION DISCLOSURE STATEMENT BY APPLICANT</b>  (use as many sheets as necessary)		<i>Complete If Known</i>			
		Application Number	10/690,170		
		Filing Date	October 21, 2003		
		First Named Inventor	Khandros		
		Group Art Unit	2829		
		Examiner Name	Tung X. Nguyen		
Sheet	1	of	1	Attorney Docket No.	P197-US

U.S. PUBLISHED PATENT DOCUMENTS						
Examiner Initials <sup>*</sup>	Cite No. <sup>1</sup>	U.S. Patent Document		Name of Patentee or Applicant	Publ./Issue Date	Related <sup>#</sup>
		Number	Kind Code <sup>2</sup>			
	1.	2005/0174131		Miller	8/11/2005	Yes
						No <sup>***</sup>

U.S. UNPUBLISHED PATENT APPLICATIONS						
Examiner Initials <sup>*</sup>	Cite No. <sup>1</sup>	Serial No.	Name of Applicant	Filing Date	Related <sup>#</sup>	Copy Enclosed
	2.	10/820,319	Khandros	4/8/2004	Yes	No <sup>&amp;</sup>

Examiner Signature		Date Considered	
--------------------	--	-----------------	--

\* EXAMINER: Initial if reference considered, whether or not citation is in conformance with MPEP 609. Draw line through citation if not in conformance and not considered. Include copy of this form with next communication

<sup>1</sup>Unique citation designation number. <sup>2</sup>See attached Kinds of U.S. Patent Documents. <sup>3</sup>Enter Office that issued the document, by the two-letter code (WIPO Standard ST.3). <sup>4</sup>For Japanese patent documents, the indication of the year of the reign of the Emperor must precede the serial number of the patent document. <sup>5</sup>Kind of document by the appropriate symbols as indicated on the document under WIPO Standard ST 16 if possible. <sup>6</sup>Applicant is to place a check mark here if English language Translation is attached.

\*\* Reference cited in parent application US Serial No. \_\_\_, 37 CFR § 1.98(d)

\*\*\* Pre-OG Notice By Deputy Commissioner Stephen G. Kunin dated July 11, 2003 waiving the requirement to file copies of US patent publications in applications filed after June 30, 2003.

& Notice dated October 19, 2004 by Deputy Commissioner for Patent Examination Policy waiving requirement to file copies of pending US patent applications if the applications are stored in the USPTO's IFW system.

# Commonly owned US patent or application whose subject matter may be related to the subject matter of the instance patent application.